

REMARKS

Applicants hereby elect Species i consisting of a laminated body. It is respectfully submitted that claims 19-37 are readable on the elected species and are elected for initial examination in this application. This election is with traverse.

Applicants thank the Examiner for the thorough consideration given the present application. Claims 19-39 are currently being prosecuted. The Examiner is respectfully requested to reconsider his Election of Species Requirement in view of the amendments and remarks as set forth hereinbelow.

PATENT COOPERATION TREATY

At the outset, it is respectfully submitted that the present application entered into the national phase before the USPTO based on a PCT application. Thus, the rules that apply to the present application with regard to unity of invention are set forth in 37 CFR §§ 1.475 to 1.477.

As set forth in 37 CFR § 1.475(a), an international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. On May 12, 2006 the Examiner was provided with a copy of International Search Report issued by the International Bureau on February 21, 2005. In the Search Report, the International Bureau maintained all of the claims directed to a laminated

body and to a mattress in a single application based on the fact that the claims were so linked so as to form a single general inventive concept.

It is respectfully submitted that the present application does include claims that are so linked so as to form a single general inventive concept. The Examiner contends that claim 19 is anticipated or obvious over certain prior art. It is respectfully submitted that a contention that claim 19 is not patentable does not support an election of species requirement. The International Bureau did maintain all of the claims in a single application. Thus, claims 19-39 should be considered in a single application. The Examiner is respectfully requested to reconsider his election of species requirement.

The provisions of 37 CFR 1.146 state that a reasonable number of species are permitted in a single application. The present application contains two species. It is respectfully submitted that if the Examiner allows a generic claim then all of the claims should be allowable in view of the fact that a reasonable number of species are set forth in the present application.

In order to be responsive to the Examiner's election of species requirement claims 19-37 have been elected. The Examiner is respectfully requested to reconsider his election of species requirement and act on all of the claims in the present application. If the Examiner does persist in his Election of Species Requirement, Applicants reserve the right to file a divisional application directed to the non-elected claims at a later date if they so desire.

INFORMATION DISCLOSURE STATEMENT

The Examiner is respectfully requested to consider the Information Disclosure Statements filed on May 12, 2006 and October 9, 2007. The Examiner should initial and return the PTO/SB/08 forms to the undersigned.

DRAWINGS

The Examiner has not approved the Formal Drawings submitted by the Applicants. The Examiner should approve the Formal Drawings in the next Office Action.

CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the claim for foreign priority. In view of the fact that the claim for foreign priority has been perfected, no additional action is required at this time.

Favorable action on the present application is earnestly solicited.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

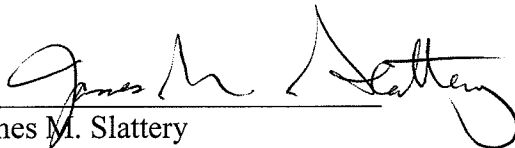
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Docket No.: 1817-0171PUS1
Art Unit: 1794
Page 5 of 5

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 22, 2009

Respectfully submitted,

By 
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